

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SNAC LITE, LLC,)
)
Plaintiff,)
v.) **Case 2:14-cv-01695-RDP**
)
NUTS 'N MORE, LLC,)
)
Defendant.)

MOTION TO STRIKE HELEN MCDANIEL AS EXPERT WITNESS

COMES NOW Plaintiff, Snac Lite, LLC, by and through counsel, and hereby respectfully requests the Court to strike Helen McDaniel as an expert for Defendant, Nuts 'N More, and as grounds for same states as follows:

1. On February 4, 2016, Defendant filed its Expert Disclosures and named Helen McDaniel as one of its potential experts to be used at the trial of this case.

2. Defendant's own language states:

"4. Helen McDaniel, Accountant for nuts 'n more, LLC, "Ms. McDaniel may testify in this matter regarding nuts 'n more's sales and profits. Ms. McDaniel has not been retained or specially employed to provide expert testimony in this case and, therefore, she has not provided an expert report."

3. Helen McDaniel does not meet the standards under *Fed. R. Civ. P. 26* and *Fed. R. Evid. 702, 703, and 705* (by Defendant's own admission) as an expert

who can provide expert testimony for defendant and therefore should be stricken as such.

4. Plaintiff is filing its Memorandum in Support of Motion to Strike contemporaneously with this motion.

WHEREFORE, Plaintiff requests that the Court strike Helen McDaniel as an expert witness for the Defendant.

This 21st day of March, 2016.

/s/ J. Allen Schreiber

J. Allen Schreiber (ASB-2540-R76J)

/s/ Robert E. Norton

Robert E. Norton (ASB-6568-E59N)

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2016, the foregoing was filed with the Court's electronic filing system CM/ECF, which will serve all counsel of record as follows:

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/s/ J. Allen Schreiber
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